

REMARKS

Claims 6-7 stand objected to for minor informalities. It is respectfully submitted that the enclosed amendment, submitted solely to obviate the alleged informalities and not for overcoming the § 112 or § 102/103 rejections, obviates this objection. Accordingly, it is respectfully requested that the objection be withdrawn.

Claims 1-7 stand rejected under 35 U.S.C. § 112, first paragraph (enablement; it is noted that the Examiner inadvertently references § 112, second paragraph, but it appears the Examiner intended to reference the first paragraph thereof related to enablement). This rejection is respectfully traversed for the following reasons.

Regarding claim 1, the Examiner alleges that “[i]t is not clear how the resist pattern exposed to the gas containing sulfur.” The Examiner’s confusion is not understood. Indeed, page 5, line 21 – page 6, line 3 of Applicants’ specification expressly describes one exemplary process by which the resist pattern can be exposed to a gas containing sulfur, namely:

... plasma is generated, for example, using inductively coupled plasma etching equipment, wherein the flow rate of sulfur dioxide is 50ml/min (0°C, 1 atm), the gas pressure is 1Pa, the upper discharge power is 200W, and the lower discharge power is 30W. This plasma irradiation allows sulfur dioxide to be decomposed into sulfur (to be formed in plasma) and then allows the generated sulfur atoms to bond to carbon atoms contained in the resist pattern 3, thereby forming a C-S reaction part 3a on each of the sidewalls of the resist pattern 3 ...

It is respectfully submitted that one of ordinary skill in the art would readily recognize how the resist pattern can be exposed to a gas containing sulfur based on the aforementioned exemplary embodiment described in Applicants’ specification.

Regarding claim 7, the Examiner alleges that “it is not clear how the ratio of the height to the line width is 2.8 or more.” Again, the Examiner’s confusion is not understood. Claim 7 simply refers to dimensional characteristics of the resist pattern, which one of ordinary skill in the art can readily process by, for example, selecting the desired resist-film thickness and photomask line-width. Indeed, page 3, lines 4-5 of Applicants’ specification discloses one exemplary embodiment of a well-known resist pattern material (e.g., novolac); whereby one of ordinary skill in the art would readily recognize how to form the desired dimensions by setting the appropriate resist-film thickness and photomask line-width for an exposing step using light to develop the pattern.

Based on the foregoing, it is submitted that claims 1-7 are enabled. Accordingly, it is respectfully requested that the rejection under § 112, first paragraph, be withdrawn.

Claim 1 is the sole independent claim and stands rejected under 35 U.S.C. § 102 as being anticipated by Desphande et al. ‘542 (“Desphande”). This rejection is respectfully traversed because Desphande is not prior art to the present application. Specifically, the earliest effective filing date of Desphande is March 12, 2003 whereas the priority document of the present application (i.e., JP 2002-352778) was filed on December 4, 2002. In order to perfect Applicants’ claim to foreign priority, attached hereto is a certified English translation of the foreign priority document JP JP 2002-352778.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplicatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set

forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102/103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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